

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, MARCH 27, 2013

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JANET DUNN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Township Engineer Director
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and Trustee Bucci requested item #7 be tabled to April 10, 2013, and no additional items were added or deleted.

MOTION by BUCCI seconded by KRZEMINSKI to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by KRZEMINSKI seconded by NEVERS to approve both bill runs as presented.

MOTION carried.

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APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on March 13, 2013 were reviewed and any additions, corrections or deletions were discussed and made.

Clerk Koehs stated a phrase from the boiler plate language was left in the minutes and will be stricken from the record.

MOTION by KOEHS seconded by GOODHUE to approve the minutes of the meeting of March 13, 2013 with the one phrase stricken from the minutes.

MOTION carried.

Supervisor DUNN reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

5. **Consent Agenda Items:**

- A. Water and Sewer Department:
1. Reimbursement Request for Sanitary Sewer Back-up.
- B. Human Resources Department:
1. Request for a Personal Leave of Absence; Fire Department.
 2. Request for Approval of Job Description Amendments.

MOTION by KRZEMINSKI seconded by FREITAS to approve the Consent Agenda as earlier presented.

MOTION carried.

6. **Public Comments, Agenda Items Only**

NONE

OLD BUSINESS

7. Request for Rezoning; AG to R-1; 16860 26 Mile Road; Section 05, Located on southwest corner of 26 Mile Road and Luchtman Road. Frank Karam & Susanne Dimercurio, Petitioner. Parcel No. 08-05-200-010. *(Tabled from March 13, 2013 meeting)*

(Tabled to the meeting of April 10, 2013.)

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PLANNING

8. Request for Rezoning; Residential. One Family Suburban (R-1-S) to Residential, One Family Urban (R-1) Located approximately 2000 feet south of 23 Mile Road and ½ mile east of North Avenue; Section 24; Fazal Khan, Petitioner. Permanent Parcel No. 08-24-251-002.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for the rezoning of both Items # 8 & # 9 from R-1-S to R-1 and that both parcels would be consistent with the goals of the Master Plan and surrounding properties.

MOTION by BUCCCI seconded by GOODHUE to approve the Rezoning Request for Parcel 08-24-251-002 from R-1-S to R-1.

MOTION carried.

9. Request for Rezoning; Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1) Located on south side of 23 Mile Road, ¾ mile east of North Avenue; Section 24. Fazal Khan, Petitioner. Permanent Parcel No. 08-24-201-012.

(Mr. Jerome Schmeiser, Planning Consultant discussed Item # 9 rezoning in sequence with the rezoning of item # 8 with the same recommendation of approval from the Planning Commission).

MOTION by BUCCCI seconded by FREITAS to approve the Rezoning Request for Parcel 08-24-201-012 from R-1-S to R-1 as requested by the Petitioner.

MOTION carried.

NEW BUSINESS

10. Request to Approve Road Maintenance Contract; Macomb County Department of Roads Dust Control.

Supervisor Dunn explained the Maintenance Contract is only for the summer months to control the remaining 12.68 miles of Gravel Roads in the Township. The Department of Roads will offer two applications at no cost.

Clerk Koehs requested a \$6,000.00 (Six Thousand Dollars) in monies be authorized for this year's road maintenance to be overseen by the Supervisor's office.

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MOTION by KRZEMINSKI seconded by KOEHS to allocate \$6,000.00 (Six Thousand Dollars) for future road maintenance and to authorize the Macomb County Department of Roads to proceed with the two applications and authorize the Supervisor to contract with Road Maintenance Corporation for any additional applications, if needed.

MOTION carried.

11. Request for Training; Citizen Planner Course.

Supervisor Dunn had mentioned she and Trustee Nevers had attended the Citizen Planner Course and found it to be a worthwhile course.

Clerk Koehs related to the Township Board that the Citizens Planner Course is for the Planning Commission or Zoning Board of Appeals members who have not already attended the course.

MOTION by BUCCI seconded by KOEHS to authorize the request for the two persons to attend the Citizens Planner Course.

MOTION carried.

12. Request to Amend Consent Judgment; Evangelical Lutheran Church.

Township Attorney Dloski gave a description and location of the property. Attorney Dloski stated the reasons for this request. He further stated that the Consent Judgment must be amended to show the Northern 4.7 Acres removed from the Consent Judgment.

Clerk Koehs noted the reason for the property split are the stub streets coming in from the east and the north of the northern portion of the property that will allow the property to be Residential. The remaining property will be used for the Church.

MOTION by FREITAS seconded by GOODHUE to authorize legal counsel to sign the amended consent judgment as presented.

MOTION carried.

13. Request Authorization to Defend Litigation; Denewith/Biltmore Land LLC vs. Macomb Township.

Clerk Koehs informed the Township Board this property involves splits and combinations which has been denied per our Ordinance.

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MOTION by KRZEMINSKI seconded by FREITAS to authorize the Township Attorney to defend litigation of Deneweth/Biltmore Land LLC vs. Macomb Township.

MOTION carried.

14. Request to Consider Adoption of the Interlocal Agreement to Facilitate the 41-A Court Relocation.

Clerk Koehs reiterated to the Board the importance that everyone understands that this Interlocal Agreement specifically states that nothing binds Macomb Township.

Trustee Bucci commented he was in attendance at the meeting along with Clerk Koehs and Trustee Nevers along with the Court Representatives, Judge and Court Administration and it was made very clear at no time is the Township obligated to move forward with the court relocation.

Clerk Koehs stated the Committees purpose to reactivate the services of Plant Moran to find out the status of the court.

Township Attorney Dloski would like the board to consider the second step of moving the court is to get commitments from the 41A District Court, Shelby and Utica confirming that the court will not move until the bonds have been retired. If an agreement is not reached, progress on this matter would halt.

MOTION by KOEHS seconded by KRZEMINSKI to adopt the Interlocal Agreement as presented.

MOTION carried.

MOTION by KOEHS seconded by NEVERS to authorize Plante Moran to conduct a feasibility study of the 41A Court's finances and to authorize Legal Consul to draft a commitment document with the other two units in the 41A District Court.

MOTION carried.

HUMAN RESOURCES DEPARTMENT

15. Request to Extend Offers of Employment; Fire Department.

Director of Human Resources, John Brogowicz, mentioned the ongoing recruitment of new Fire Fighters for the Township and he is recommending

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extending an employment offer to two qualified applicants, Timothy Harris and Thomas Ozar II. The applicants have taken a written and agility test and, contingent upon the post offer pre physiological evaluation, physical examination, drug and alcohol testing and back ground check, they will be hired no later than April 22, 2013.

MOTION by GOODHUE seconded by NEVERS to extend an offer of employment to Timothy Harris and Thomas Ozar II contingent upon the successful completion of their Post Offer requirements.

MOTION carried.

PARKS AND RECREATION DEPARTMENT

16. Request to Award Bid for Concession Stand.

Director Sal Dicaro states two bids were received and is requesting permission to award the bid to Kona Ice in the amount of \$1,200.00 (One Thousand Two Hundred Dollars) per month with the option to renew the contract for two years for the Macomb Corners Park Concession Stand.

MOTION by KOEHS seconded by FREITAS to award the bid to Kona Ice in the amount of \$1,200.00 (One Thousand Two Hundred Dollars) with option to renew for two years.

MOTION carried.

17. Request to Award Bid for Vending Machines.

Director Sal DiCaro is requesting to award the bid for Vending Machines for the Recreation Center and Waldenburg Park. Bids were requested for two and five year period. Three bids were received ranging from 16% to one bid ranging from 33% for the first year and increasing each year by 1% over five years up to 37%. Director DiCaro recommends the bid be awarded to Metro Vending for 33% the first year increasing 1% each year for five years up to 37 %.

MOTION by FREITAS seconded by GOODHUE to award the Vending Machine bid to Metro Vending for a five year period.

MOTION carried.

18. Request to Purchase Co2 Tanks for Aquatic Center.

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Director Sal DiCaro requested bids to purchase Co2 Tanks for the Aquatic Center. Two quotes were received, one in the amount of \$4,657.00 (Four Thousand Six Hundred Fifty-Seven Dollars) to \$6,466.00 (Six Thousand Four Hundred Sixty-Six Dollars). Two Co2 Tanks are needed and Director DiCaro recommends the bid be awarded to chart Incorporated in the amount of \$9,314.00 (Nine thousand Three Hundred Fourteen Dollars) plus freight.

MOTION by GOOGHUE seconded by NEVERS to award the bid for Co2 Tanks for the Aquatic Center to Chart Incorporated in the amount of \$9,314.00 (Nine Thousand Three Hundred Fourteen Dollars) plus freight.

MOTION carried.

WATER AND SEWER DEPARTMENT

19. Request Approval to Pay Engineer's Payment Certificate No. 9 Sanitary Pump Station No. 9 Replacement 21 Mile Road East of Romeo Plank Road. MA09-011 (Tabled from the February 13th, 2013 Board Meeting).

Superintendent Wangelin requests an Engineer's Payment Certificate for Sanitary Pump Station No. 9 payable to Rickman Construction in the amount of \$22,700.00 (Twenty-Two Thousand Seven Hundred Dollars). The Water/Sewer Department and Engineering have reviewed Station No. 9 and agree Rickman Construction should be paid.

MOTION by NEVERS seconded by FREITAS to pay the Engineer's Payment Certificate to Rickman Construction in the amount of \$22,700.00 (Twenty-Two Thousand Seven Hundred Dollars) for the Sanitary Pump Station No. 9 Replacement.

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

Barbara Thomaszewski, who resides in the Macomb Town Center area, spoke regarding her displeasure with the construction in the area and the lack of contact by the Township to the Residents.

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BOARD COMMENTS

20. Supervisor Comments:

Supervisor Dunn informed Board and Public that Macomb County Sheriff's Department will begin their annual spring cleanup. The cleanup will be performed by Minimum Security Inmates and guarded by the Sheriff's Department. The cleanup of the Township Parks will begin on April 1st thru the end of May.

21. Clerk Comments:

None

22. Treasurer Comments:

Treasure Goodhue mentioned the Tax Roll had been delivered to the County and there were less delinquent payments this year than last year, also that there was an increase of On-line payments. Treasure Goodhue Thank her staff for being so efficient.

23. Trustees Comments:

Trustee Krzeminski requested authorization to attend a Trustee Professional Developmental Retreat to be held on May 18th and 19th, 2013, actually starting on the 17th of May due to the location. Trustee Krzeminski informed other members they can also attend the Retreat.

Trustee Bucci commented that he, Clerk Koehs and Trustee Nevers have looked at the packet and everyone one should review the information.

MOTION by KRZEMINSKI seconded by GOODHUE to approve the training session for all of the Board members who wish to attend the Professional Developmental Retreat.

MOTION carried.

MOTION by BUCCI seconded by KOEHS to adjourn to Executive Session at 7:37 p.m.

Motion carried.

The Board returned to regular session at 7:48 p.m.

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EXECUTIVE SESSION

24. Proposed Michigan Tax Tribunal Appeal Settlement; Docket Number 415881; Grand River Infrastructure vs. Macomb Township; Permanent Parcel Number 08-19-100-010.

MOTION by KOEHS seconded by GOODHUE to table this matter to the Township Board meeting of April 10, 2013.

MOTION carried.

25. Proposed Michigan Tax Tribunal Appeal Settlement; Docket Number 415742; NLR Properties, LLC vs. Macomb Township; Permanent Parcel Number 08-09-300-017.

MOTION by KOEHS seconded by GOODHUE to authorize legal counsel to sign the consent judgment as presented.

MOTION carried.

26. Proposed Consent Judgment; M & C Limited of Utica; Case No. 13-0610-CZ.

MOTION by KOEHS seconded by FREITAS to table the proposed Consent Judgment; M & C Limited of Utica; Case No. 13-0610-CZ indefinitely for further review.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by NEVERS to adjourn the Board of Trustees meeting at 7:50 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk